

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAMBRIDGE RETIREMENT SYSTEM, etc.,)	CASE NO. 1:13CV1165
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	<u>SHOW CAUSE ORDER</u>
)	
INVACARE CORPORATION, et al.,)	
)	
Defendants.)	

CHRISTOPHER A. BOYKO, J. :

This matter comes before the Court upon the Complaint, filed on May 24, 2013, on behalf of Plaintiff, Cambridge Retirement System (“Cambridge”), pursuant to the Private Securities Litigation Reform Act (“PSLRA”) of 1995. The Complaint was filed, on Plaintiff’s behalf, by Climaco, Wilcox, Peca, Tarantino & Garofoli of Cleveland, and by Bernstein Litowitz Berger & Grossmann of New York and San Diego. Specifically, the Complaint alleges that Cambridge is a willing and adequate party to serve as the lead plaintiff and representative party on behalf of the proposed class in the federal securities litigation against Invacare. (Certification, ECF DKT #1-1).

On July 23, 2013, a Motion (ECF DKT #8) was filed by the Government of Guam

Retirement Fund (“Guam”) for Appointment as Lead Plaintiff. The Motion also seeks the approval of Lead Counsel, namely Bernstein Litowitz Berger & Grossmann. The Motion was submitted, on behalf of the Proposed Lead Plaintiff, by Climaco, Wilcox, Peca, Tarantino & Garofoli and Bernstein Litowitz Berger & Grossmann. The Motion is accompanied by a Certification that Guam is a willing and adequate party to serve as the lead plaintiff and representative party on behalf of the proposed class in the federal securities litigation against Invacare. (ECF DKT #8-4).

Upon consideration of these documents, the Court orders Bernstein Litowitz Berger & Grossmann (through Gerald H. Silk, Esq.) and Climaco, Wilcox, Peca, Tarantino & Garofoli (through either John R. Climaco, Esq. or Scott D. Simpkins, Esq.) to show cause, in writing, by noon on Thursday, September 5, 2013, whether or not a conflict of interest exists due to counsel’s representation of both the named Plaintiff, Cambridge, and the proposed Lead Plaintiff, Guam; and under what circumstances counsel can continue to represent both, while fairly and adequately protecting the clients’ and the class’s interests in this matter. The brief shall be limited to no more than five pages in length.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: August 28, 2013